

FILED

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

District of

Division

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANABY: PD
NO IFP SubmittedCase No. 8:25-cv-00132 - UA
(to be filled in by the Clerk's Office)

Jane Doe,

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

David Yamasaki, Clerk of the Superior Court of
Orange County

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Jane Doe		
Address	1650 East 16 th Street		
	Newport Beach	CA	92663
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Orange		
Telephone Number			
E-Mail Address			

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	David Yamasaki,		
Job or Title <i>(if known)</i>	Clerk of the Superior Court of the County of Orange, CA		
Address	700 Civic Center Drive West		
	Santa Ana	CA	92701
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Orange County		
Telephone Number	unknown or none		
E-Mail Address <i>(if known)</i>	unknown or none		
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 2

Name			
Job or Title <i>(if known)</i>			
Address			
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County			
Telephone Number			
E-Mail Address <i>(if known)</i>			
<input type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

Defendant No. 3

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐ Individual capacity
 ☐ Official capacity

Defendant No. 4

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐ Individual capacity
 ☐ Official capacity
II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

5th and 14th Amendments to the US Constitution prohibiting deprivation of Life, Liberty and Property without Due Process.

As well as SCOTUS Ruling in *Pernell vs Southall Realty* guaranteeing me a Right to Trial by Jury in Eviction cases.

- C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

The OC Superior Clerk's office employees, led by David Yamasaki are engaged in a willfull, pernicious, malevolent pattern of violating the Rights of Tenants in eviction cases. They have an exterior dropbox where one can submit documents, but when one does the clerks lose them or fail to file them altogether. Then they enter a default judgment to rapidly dispose of the case.

IN DOING SO THEY DEPRIVE PRO-SE DEFENDANTS OF THEIR RIGHT TO A HEARING OR TRIAL. This is an established pattern on their part and I can more than prove it.

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

MERITS David Yamasaki seeks to dispose of eviction cases without giving Tenants the opportunity to have their defenses heard on the merits. They become verbally abusive when a Defendant attempts to get them to rectify their mistakes - probably because these acts are NOT mistakes, but INTENTIONAL and DELIBERATE and done with the specific aim of summarily closing as many eviction cases as possible without giving Tenants an opportunity to respond, or by outright failing to file when a Tenant DOES respond. This is a long-standing practice of theirs and it is a pervasive practice with thousands of victims every year being arbitrarily evicted because the clerk loses or does not file their responses.

** They = OC Superior Court Clerks*

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

*700 CIVIC CTR DRIVE, WEST
92701*

- B. What date and approximate time did the events giving rise to your claim(s) occur?

Friday, January 17th, 2025 at or about 2 pm when I submitted my responsive pleading for filing in the exterior dropbox

Wednesday, January 22nd, 2025 but they refuse to tell me what time they entered the illegal default

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

On Tuesday, January 6th, 2025 the clerk's office sent me an unlawful notice of ruling to respond within 5 days [meaning statutory court days] On January 1st, 2025 a new law - previously passed by the legislature took effect giving tenants in unlawful detainer cases 10 days to respond.

There are also 5 calendar days for mailing, per the statute - this is the case both before and after January 1st, 2025. when a notice of ruling is mailed: tenant has an addition 5 straight days.

Despite the "respond within 5 days" being highly illegal; I nonetheless complied with the clerk's brazen unlawful demand. In California, the date of mailing does not count; this means the first day to calculate was January 7th, 2025.

Five court days later would have been January 13th, 2025 because the Superior Court is CLOSED on Saturday and Sunday, so Monday the 13th is the end of the 5th court day

Then add five days for mailing and the illegal due date is January 18th.

EVEN going by their unlawful demand - in violation of statute - the response would have been due JANUARY 18th, 2025 - a Saturday. When the due date falls on a weekend or court holiday, the due date < rolls over > to the next "court day". Since MLK day was a court closure day, this would have made my response due by the 22nd of January, per Mr Yamasaki's own illegal calculations. Again: the law changed and I was entitled to TEN days to respond plus five days for mailing

Notwithstanding the illegal Notice of Ruling by Mr Yamasaki's deputy clerk: I nonetheless complied by inserting my responsive pleading into the exterior drop box at circa 2pm on Friday, January 17th. Even when strictly construed in favor of Defendant Yamasaki: the response was not due but I submitted it anyways. There is no Disclaimer on the exterior drop box to the effect of "you shouldn't count on us processing any documents submitted here".

Common Sense would dictate the drop box is checked faithfully in a timely manner, but Mr Yamasaki's employees are not exactly famous for their diligence. Filing, or attempting to submit for filing anything at the clerk's window is an arduous, extremely time-intensive process. From the time one pulls a ticket, the average wait is an hour. With extreme luck it can be 40 minutes, but all too often wait times exceed an hour. So placing documents in the drop box is the practical resort if one does not have the luxury of time.

I had an appointment with my PCP on Friday afternoon, so I asked the Lyft driver to stop at the staging area outside the main entrance to the Central Justice Center situated at 700 Civic Center Drive West in the city of Santa Ana.

I exited the vehicle and - knowing that they have chronic staffing shortages on Friday and also fearing that they would lie about not receiving my documents: I chose to < LIVE-STREAM > myself on Instagram showing me approaching the drop box and opening it and placing the documents therein. I also pointed the camera at the documents - page by page - prior to placing them in the drop box so that there would be no question that I had filed a responsive pleading and notice of hearing.

Despite my exceptional diligence the clerk's office did not collect my documents at the close of business day like they are supposed to. They didn't even check the drop box the *following* business day, the Tuesday after MLK day. They checked the dropbox on the 22nd, and then evidently proceeded to let my demurrer sit and gather dust until the 23rd.

By the time they finally decided to process my paperwork: a deputy clerk in the online filing division had already received a default packet submitted by the attorneys working for UDR / Eight 80 Newport. The clerks in the e-filing department rapidly processed the default, and on the following day entered a default judgment against me, causing me to be PERMANENTLY stripped of the opportunity to raise defenses to the eviction case against me. I did indeed have sound defenses, but they do. not. care.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I am psychologically and emotionally shattered and broken into pieces. I see no way out of my situation.

They do not care.

They only care about disposing as many unlawful detainer cases as they can, the better to unclog their backlog and free up the docket

I will be homeless in 30 days because Mr Yamasaki's employees have already forwarded the Writ of Possession to the Sheriff of Orange County for execution, knowing that the default judgment was entered illegally

The Superior Court will not set aside the illegal default!

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.



I AM *NOT* REQUESTING FEDERAL INTERVENTION IN THE LOCAL CASE

I very respectfully request an Injunction against David Yamasaki, Chief Executive Officer of the Orange County Superior Court and all his deputy clerks: individually and collectively to:

PROHIBIT the clerk's office from having in place an unlawful policy, and maintaining such express policy with the goal of disposing of unlawful detainer cases in order to rid themselves of as many cases as they can

PROHIBIT the clerk's office from issuing default judgments prior to the expiration of time to respond [which has recently changed to 10 days effective January 1st, 2025] as well as abide by statutory allowance of an extra 5 [five] days when a Notice of Ruling is furnished by mail.

PROHIBIT the clerk's office from losing, misplacing or otherwise disposing of responsive pleadings submitted by tenants with the specific aim of issuing defaults against defendant tenants

As well as : an ORDER mandating clerks to diligently check the exterior drop box Mr Yamasaki installed for the purpose of litigants submitting their documents

an ORDER mandating clerks to allow tenant defendants to access their case status online

an ORDER mandating the clerks office to maintain a working phone line [they currently do not, for pro-se litigants]

an ORDER mandating the clerk's office to reduce wait times [current wait times to be serviced exceed one hour, this results in tenants using the drop box to submit responses]

an ORDER mandating the clerk's office to publicize their email address to where pro-se litigants can direct questions or concerns.

IN ADDITION TO ALL THE ABOVE: the Superior Court, County of Orange OUGHT TO BE PLACED UNDER FEDERAL OVERSIGHT BY THE UNITED STATES DEPARTMENT OF JUSTICE

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: January 23rd, 2025

Signature of Plaintiff

Jane Doe

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

Printed Name of Plaintiff Jane Doe

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Address _____

City

State

Zip Code

Telephone Number _____

E-mail Address _____